

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Diane Rice, on February 19, 2007 at 8:03 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Dave Gallik, Vice Chairman (D)
Rep. Ron Stoker, Vice Chairman (R)
Rep. Douglas Cordier (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. George Everett (R)
Rep. Julie French (D)
Rep. Rick Jore (C)
Rep. Krayton Kerns (R)
Rep. Roger Koopman (R)
Rep. Deborah Kottel (D)
Rep. Tom McGillvray (R)
Rep. Jesse O'Hara (R)
Rep. Ken Peterson (R)
Rep. Holly Raser (D)

Members Excused: None.

Members Absent: Rep. John Ward (R)

Staff Present: David Niss, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 645, HB 648, HB 653, HB 712,
HJ 25, 2/12/2007
Executive Action: HB 491, HB 597, HB 590, HB 624

HEARING ON HB 645

Opening Statement by Sponsor:

00:01:36 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 645, Blood testing for certain newborns.

Proponents' Testimony: None

Opponents' Testimony:

00:08:27 Deborah Smith, ACLU

[EXHIBIT\(juh37a01\)](#)

00:18:38 Allyson Hagen, NARAL

00:20:15 Olivia Riutta, WEEL

[EXHIBIT\(juh37a02\)](#)

00:23:20 Beth Brennaman, Montana Advocacy Program

Informational Testimony:

00:27:38 Scott Helgersen, State Medical Officer, Department of Public Health and Human Services, State of Montana

Questions from Committee Members and Responses:

00:28:08 Rep. Kottel

00:28:59 Dr. Helgersen

00:33:35 Rep. Koopman

00:34:26 Dr. Helgersen

00:38:02 Rep. Koopman

00:38:55 Rep. Peterson

Closing by Sponsor:

00:42:12 Rep. Peterson

HEARING ON HB 653

Opening Statement by Sponsor:

00:44:44 Rep. Dave McAlpin (D), HD 94, opened the hearing on HB 653, Prohibit smoking with children in vehicle.

Proponents' Testimony:

00:49:15 Dick Paulson, American Lung Association-Northern Rockies

[EXHIBIT\(juh37a03\)](#)

00:53:40 Cliff Christian, self

[EXHIBIT\(juh37a04\)](#)

00:56:57 Nanette Gilbertson, American Cancer Society

00:57:52 Wayne Sikorski, self

00:58:30 Michael Creek, De La Salle Blackfeet School, Browning

00:59:16 Cyan Wagoner, De La Salle Blackfeet School, Browning

01:00:38 Aaron Patterson, De La Salle Blackfeet School, Browning

[EXHIBIT\(juh37a05\)](#)

Opponents' Testimony:

01:02:23 Natalie Thatsun, De La Salle Blackfeet School, Browning

01:03:07 Josiah Davis, De La Salle Blackfeet School, Browning

01:03:52 Lace Goss, De La Salle Blackfeet School, Browning

01:04:24 Brittney Racine, De La Salle Blackfeet School, Browning

Informational Testimony: None

Questions from Committee Members and Responses:

01:05:11 Rep. Koopman

01:06:03 Rep. McAlpin

01:06:49 Rep. French

01:07:11 Mr. Davis

01:07:23 Rep. Peterson

01:08:01 Miss Wagoner

01:08:18 Rep. Stoker

01:08:42 Rep. McAlpin

Closing by Sponsor:

01:08:59 Rep. McAlpin

HEARING ON HB 712

Opening Statement by Sponsor:

01:09:33 Rep. Rick Jore(C), HD 12, opened the hearing on HB 712,
Sovereignty protection act.

Proponents' Testimony:

01:20:29 Pat Torgerson, Women Involved in Farm Economics

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:21:32 Rep. McGillvray
01:21:51 Rep. Jore
01:24:05 Rep. Ebinger
01:24:24 Rep. Jore
01:25:45 Rep. Driscoll
01:26:02 Rep. Jore
01:26:33 Rep. Peterson
01:27:25 Rep. Jore

Closing by Sponsor:

01:28:19 Rep. Jore

HEARING ON HB 648

Opening Statement by Sponsor:

01:28:50 Sen. Dave Lewis SD 42 (R) for Rep. John Ward (R),
opened the hearing on HB 648, Make failure to use a
seatbelt admissible evidence.

[EXHIBIT \(juh37a06\)](#)

Proponents' Testimony:

01:32:45 Barry "Spook" Stang, Executive Vice-President, Montana
Motor Carriers Association
01:35:53 Jason Tod-Hunter, Montana Logging Association
01:36:26 Gayle Abercrombie, Montana Contractors Association

Opponents' Testimony:

01:36:57 Al Smith, Montana Trial Lawyers Association

Informational Testimony: None

Questions from Committee Members and Responses:

01:45:35 Rep. Everett
01:45:59 Mr. Stang

Closing by Sponsor:

01:47:09 Sen. Lewis

01:50:08 Break
02:03:26 Reconvene

HEARING ON HJ 25

Opening Statement by Sponsor:

02:03:41 Rep. Diane Rice (R), HD 71, opened the hearing on HJ 25, Oppose security and prosperity partnership of North America.

Proponents' Testimony:

02:07:46 Don Judge, Teamsters Local Union #190
02:09:52 Pat Torgerson, Women Involved in Farm Economics
02:11:51 Lynn Stumberg, Eagle Forum
02:15:12 Al Smith, Montana Trial Lawyers Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:17:43 Rep. O'Hara
02:18:07 Mr. Smith

Closing by Sponsor:

02:18:28 Rep. Rice

This exhibit is for HB 645; heard today, 2/19/07; received at the end of the hearing.

[EXHIBIT\(juh37a07\)](#)

This exhibit is for HB 625; heard on 2/16/07

[EXHIBIT\(juh37a08\)](#)

Discussion of HB 340:

02:24:41 Chairman Rice
02:25:10 Rep. Peterson

EXECUTIVE ACTION ON HB 491

02:26:39 **Motion:** Rep. Everett moved that **HB 491 DO PASS.**

02:26:55 **Motion:** Rep. Kottel moved that **HB 491 BE AMENDED.**
EXHIBIT(juh37a09)

Discussion:

02:28:16 David Niss, Legislative Services

02:44:13 Rep. Peterson

02:45:31 Chairman Rice

02:45:52 Rep. Kottel

02:49:03 **Substitute Motion:** Rep. Gallik made a substitute motion that **HB 491 BE AMENDED by SEGREGATING PARAGRAPH 2 FROM REST OF AMENDMENT.**

02:50:03 Rep. Stoker

02:50:12 Rep. Rice

02:50:53 **Vote:** Motion to **SEGREGATE 2 FROM REST OF AMENDMENT ON HB 491** carried unanimously by voice vote. Rep. Ward voted by proxy.

02:51:18 Rep. Koopman

02:51:40 Rep. Peterson

02:51:54 Rep. Rice

02:52:36 **Vote:** Motion that **HB 491 BE AMENDED with PARAGRAPH 2** carried 9-8 by roll call vote with Reps. Everett, Koopman, Kerns, O'Hara, McGillvray, Ward, Jore, and Rice voting no. Rep. Ward voted by proxy.

Discussion:

02:54:22 Rep. Kottel

02:55:45 **Motion:** Rep. Stoker moved that **HB 491 DO PASS AS AMENDED.**

02:55:52 **Motion:** Rep. Kottel moved that **HB 491 BE AMENDED by SEGREGATING PARAGRAPH 1 FROM 2,3,4.**
EXHIBIT(juh37a10)

02:56:41 **Vote:** Motion that **TO SEGREGATE PARAGRAPH 1** carried unanimously by voice vote. Rep. Ward voted by proxy.

02:56:45 **Vote:** Motion that **HB 491 BE AMENDED by SEGREGATING PARAGRAPH 1** carried unanimously by voice vote. Rep. Ward voted by proxy.

02:56:51 **Motion:** Rep. Kottel moved that **PARAGRAPHS 2, 3, AND 4 BE SEGREGATED.**

Discussion:

02:57:08 Rep. Kottel

02:57:42 **Vote:** Motion that **HB 491 BE AMENDED by SEGREGATING PARAGRAPHS 2, 3 AND 4** carried unanimously by voice vote. Rep. Ward voted by proxy.

02:57:49 **Motion:** Rep. Kottel moved that **HB 491 DO PASS AS AMENDED.**

02:58:08 **Motion:** Rep. Kottel moved that **HB 491 BE AMENDED with SEGREGATED PARAGRAPH 1.**

Discussion:

02:58:25 Rep. Kottel

03:00:11 Rep. Gallik

03:01:21 Rep. Peterson

03:01:49 Rep. Kottel withdrew motion to **AMEND HB 491 with SEGREGATED PARAGRAPH 1.**

03:02:15 **Motion:** Rep. Gallik moved that **HB 491 BE AMENDED with PARAGRAPH 1 ONLY.**

EXHIBIT(juh37a11)

Discussion:

03:02:49 Rep. Gallik

03:03:58 Rep. Koopman

03:04:52 Rep. Peterson

03:05:43 **Vote:** Motion that **HB 491 BE AMENDED with PARAGRAPH 1** carried 16-1 by voice vote with Rep. Koopman voting no. Rep. Ward voted by proxy.

03:05:55 **Motion:** Rep. Stoker moved that **HB 491 DO PASS AS AMENDED.**

03:06:25 **Motion:** Rep. Gallik moved that **HB 491 BE AMENDED with PARAGRAPHS 3 and 4.**

Discussion:

03:07:43 Rep. Peterson
03:08:20 Rep. Stoker
03:08:41 Rep. Gallik
03:09:53 Rep. Stoker
03:09:56 Rep. Peterson
03:10:59 Rep. Ebinger
03:11:34 Rep. Raser
03:11:55 Rep. Gallik

03:12:12 **Vote:** Motion that **HB 491 BE AMENDED with PARAGRAPHS 3 and 4** carried 10-7 by voice vote with Reps. Raser, Koopman, Peterson, McGillvray, Kottel, Kerns, and O'Hara voting no. Rep. Ward voted by proxy.

03:12:53 **Motion:** Rep. Stoker moved that **HB 491 DO PASS AS AMENDED.**

03:13:02 **Motion:** Rep. Gallik moved that **HB 491 BE AMENDED with PARAGRAPH 5, PAGE 2, LINE 23, INSERTING "...STATEMENTS BY CHILD WITNESS...."**.

03:13:10 Mr. Niss

03:15:46 **Vote:** Motion that **HB 491 BE AMENDED** carried 16-1 by voice vote with Rep. Peterson voting no. Rep. Ward voted by proxy.

03:15:54 **Motion:** Rep. Stoker moved that **HB 491 DO PASS AS AMENDED.**

03:16:34 **Motion:** Rep. Peterson moved that **HB 491 BE AMENDED with PARAGRAPH 4.**

[EXHIBIT\(juh37a12\)](#)

Discussion:

03:17:09 Rep. Peterson
03:17:30 Rep. Gallik
03:17:56 Rep. Stoker

03:18:16 **Vote:** Motion that **HB 491 BE AMENDED** carried unanimously by voice vote. Rep. Ward voted by proxy.

03:18:31 **Motion:** Rep. Stoker moved that **HB 491 DO PASS AS AMENDED.**

03:18:41 Mr. Niss

Discussion:

03:19:31 Rep. Ebinger

03:20:06 **Vote:** Motion that **HB 491 DO PASS AS AMENDED** carried 15-2 by roll call vote with Reps. Jore and Rice noting no. Rep. Ward voted by proxy.

EXECUTIVE ACTION ON HB 590

03:21:33 **Motion:** Rep. McGillvray moved that **HB 590 DO PASS.**

03:22:05 Chairman Rice postponed Executive Action on HB 590.

EXECUTIVE ACTION ON HB 597

03:22:19 **Motion:** Rep. McGillvray moved that **HB 597 DO PASS.**

Discussion:

03:22:56 Rep. Stoker
03:24:23 Rep. Kottel
03:25:42 Rep. Stoker
03:26:24 Rep. French
03:26:44 Rep. Gallik
03:27:45 Rep. Kottel
03:29:22 Rep. Gallik
03:30:40 Rep. Stoker

03:34:08 **Motion:** Rep. McGillvray moved that **HB 597 BE AMENDED with a CONCEPTUAL AMENDMENT for PAGE 2, LINE 16, CHANGING CODE from 205 to 207.**

03:35:29 **Vote:** Motion that **HB 597 BE AMENDED** carried unanimously by voice vote. Rep. Ward voted by proxy.

03:35:35 **Motion:** Rep. Stoker moved that **HB 597 DO PASS AS AMENDED.**

Discussion:

03:35:47 Rep. French

03:36:12 **Motion:** Rep. Gallik moved that **HB 597 BE AMENDED with a CONCEPTUAL AMENDMENT to REMOVE SECTION MCA 205.**

03:38:15 Rep. McGillvray

03:39:38 **Vote:** Motion that **HB 597 BE AMENDED** failed 6-11 by voice vote with Reps. Gallik, Raser, French, Ebinger, Driscoll, and Cordier voting aye. Reps. Ward, Kottel and Peterson voted by .proxy

03:41:27 Rep. Rice

03:41:47 Rep. McGillvray

03:42:59 **Vote:** Motion that **HB 597 DO PASS AS AMENDED** carried 10-7 by roll call vote with Reps. Gallik, French, Raser, Driscoll, Kottel, Ebinger, and Rice voting no. Reps. Ward, Kottel and Peterson voted by proxy.

EXECUTIVE ACTION ON HB 624

03:45:22 **Motion:** Rep. Everett moved that **HB 624 DO PASS.**

Discussion:

03:45:34 Rep. Kerns

03:45:51 Rep. Peterson

03:46:07 Rep. Everett

03:46:17 Rep. French

03:48:04 Rep. Gallik

03:48:53 Rep. Rice

03:49:30 Rep. Cordier

03:50:46 Rep. Stoker postponed Executive Action on HB 624.

Additional Exhibits:

Exhibits received by mail 2/27/07 for HB 653

[EXHIBIT\(juh37a13\)](#)

[EXHIBIT\(juh37a14\)](#)

[EXHIBIT\(juh37a15\)](#)

[EXHIBIT\(juh37a16\)](#)

ADJOURNMENT

Adjournment: 11:52 A.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh37aad.pdf](#))